

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GUARDIAN INDUSTRIES CORP., )  
Plaintiff, ) C.A. No.: 05-0027 SLR  
v. ) Jury Trial Demanded  
DELL, INC.; GATEWAY, INC.; ACER INC.; ACER AMERICA )  
CORPORATION; AOC INTERNATIONAL; AOC )  
INTERNATIONAL (USA) LTD.; AU Optronics )  
CORPORATION; AU Optronics CORPORATION )  
AMERICA a/k/a AU Optronics AMERICA, INC.; BENQ )  
CORPORATION; BENQ AMERICA CORPORATION; )  
CHUNGHWA PICTURE TUBES, LTD. a/k/a CHUNGHWA )  
PICTURE TUBES COMPANY; TATUNG COMPANY; )  
TATUNG COMPANY OF AMERICA, INC.; COMPAL )  
ELECTRONICS, INC.; DELTA ELECTRONICS, INC.; DELTA )  
PRODUCTS CORPORATION; JEAN CO., LTD.; LITE-ON )  
TECHNOLOGY CORPORATION; LITE-ON, INC. a/k/a )  
LITEON TRADING USA, INC.; PROVIEW INTERNATIONAL )  
HOLDINGS, LTD.; PROVIEW TECHNOLOGY, INC.; and )  
QUANTA DISPLAY, INC. )  
Defendants. )

**AFFIDAVIT PURSUANT TO D. DEL. LR 4.1 (b)**

STATE OF DELAWARE :  
COUNTY OF NEW CASTLE : SS:

**BE IT REMEMBERED** that on this 16<sup>th</sup> day of March, A.D. 2005, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid. Richard K. Herrmann, attorney for the Plaintiff, who being sworn according to law did depose and say as follows:

**DEFENDANT TATUNG COMPANY**

1. That to the best of his knowledge, the Defendant Tatung Company is a nonresident of the State of Delaware whose name and address is as follows:

Tatung Company  
22, Chungshan N. road, 3<sup>rd</sup> Section  
Taipei  
Taiwan, 104, R.O.C.

2. That on January 19, 2005, the Complaint in the above-captioned action was filed; that on that same day the Clerk issued a Summons to serve the Secretary of State pursuant to 10 Del. C. § 3104.

3. That on January 25, 2005, the Return of Service was filed, a copy of which is attached as Exhibit A.

4. That on February 3, 2005, the said Richard K. Herrmann, Esquire, caused a copy of the Notice, attached hereto as Exhibit B, to be mailed by Registered Mail to the following defendant: Tatung Company.

5. That on March 3, 2005, he, Richard K. Herrmann, Esquire, received from the postal authority the domestic return receipt attached hereto as Exhibit C.

6. That the said receipt has the same registered number, to-wit: RB 420 560 190 US, as the receipt received at the time of the mailing of said notice, attached hereto as Exhibit D.

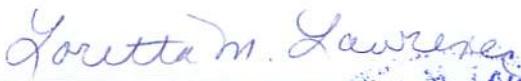
Dated: March 16, 2005



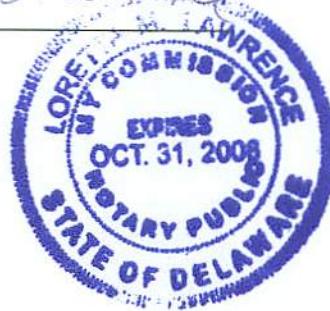
Richard K. Herrmann #405  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302) 888-6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

Attorneys for Plaintiff  
GUARDIAN INDUSTRIES CORP.

SWORN TO AND SUBSCRIBED before me the day and year aforesaid:



\_\_\_\_\_  
Loretta M. Lawrence  
Notary Public



# **EXHIBIT A**

UNITED STATES DISTRICT COURT

United States District Court District of Delaware

GUARDIAN INDUSTRIES CORP.

SUMMONS IN A CIVIL CASE

v.

DELL, INC.; et al.

CASE NUMBER: 05-27

TO: (Name and address of Defendant)  
Tatung Company  
c/o Delaware Secretary of State  
401 Federal Street, Suite 3  
Dover, DE 19901

CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
FILED  
2005 JAN 25 PM 4:21

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Richard K. Herrmann  
Mary B. Matterer  
BLANK ROME LLP  
1201 N. Market Street, Suite 800  
Wilmington, DE 19801  
(302) 425-6400

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEC

1-24-05

CLERK

DATE

(By) DEPUTY CLERK

JSL :jato

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	January 24, 2005
NAME OF SERVER (PRINT) Edward Jones	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were _____		
<input type="checkbox"/> Returned _____		
<input checked="" type="checkbox"/> Other (specify): <u>Served on Tatung Company c/o secretary of state of Delaware located at 401 Federal Street Wilmington DE 19901 service accepted by Mary Jo Schreiner At 5:06 PM</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on <u>1/24/05</u> <u>Edward Jones</u>  <small>Date</small> <small>Signature of Server</small></p> <p><u>3210 Northmarket St. 109, Dover DE 19904</u>  <small>Address of Server</small></p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

## **EXHIBIT B**



Phone: (302) 425-6434  
Fax: (302) 425-6464  
Email: [herrmann@blankrome.com](mailto:herrmann@blankrome.com)

February 3, 2005

**VIA REGISTERED MAIL NO. RB 420 560 190 US**  
**RETURN RECEIPT REQUESTED**

Tatung Company  
22, Chungshan N. Road, 3<sup>rd</sup> Section  
Taipei  
Taiwan, 104, R.O.C.

Re: *Guardian Industries Corp. v. Dell, Inc. et al.*  
D.Del., C.A. No. 05-27 SLR

To whom it may concern:

Please be advised that Tatung Company has been served with Process (Summons) and Complaint in Delaware pursuant to 10 Del. C. § 3104. Service of the original Summons and Complaint in the above referenced case have been served upon the Delaware Secretary of State as agent for acceptance of legal process. Under 10 Del. C. § 3104, such service is as effectual to all intents and purposes as if it had been made upon Tatung Company within Delaware.

Enclosed please find a copy of the Summons and Return of Service and the Complaint.  
Thank you for your attention to this matter.

Yours,

A handwritten signature in black ink, appearing to read "RKH".

Richard K. Herrmann

RKH:sch  
Enclosure

Chase Manhattan Centre 1201 Market Street Suite 800 Wilmington, DE 19801  
[www.BlankRome.com](http://www.BlankRome.com)

# **EXHIBIT C**

Completed by the office of origin. (A remplir par le bureau d'origine.)	Item Description (Nature de l'envoi)	Registered Article (Envoi recommandé)	Printed Letter (Lettre)	Matter (Imprimé)	Other (Autre)	Recorded Delivery (Envoi à livraison attestée)	Express Mail International	
	Insured Parcel (Colis avec valeur déclarée)	Insured Value (Valeur déclarée)			Article Number RB 420 560 190 US			
	Office of Mailing (Bureau de dépôt)				Date of Posting (Date de dépôt)			
	Addressee Name or Firm (Nom ou raison sociale du destinataire) <b>Tatung Company</b>							
	Street and No. (Rue et No.) 22, Chungshan N. Road, 3 <sup>rd</sup> Section Taipei							
	Place and Country (Localité et pays) Taiwan, 104, R.O.C.							
	This receipt must be signed by the addressee; or, if not authorized to sign under the regulations of the country of destination; or, if Postmark of the office of those regulations so provide, by the employee of the office of destination. This signed form will be returned to the sender by the first mail. (Cet avis doit être signé par le destinataire ou par une personne y autorisée en vertu des règlements du pays de destination, ou, si ces règlements le comportent, par l'agent du bureau de destination, et renvoyé par le premier courrier directement à l'expéditeur.)							
	<input type="checkbox"/> The article mentioned above was duly delivered. (L'envoi mentionné ci-dessus a été dûment livré.)				Date 94 2.15.15			
	Signature of Addressee (Signature du destinataire)		Office of Destination Employee Signature (Signature de l'agent du bureau du destinataire)					

PS Form 2865, February 1997 (Reverse)



### Return Receipt for International Mail

(Registered, Insured, Recorded Delivery, Express Mail)

Postmark of the office returning the receipt  
Timbre du bureau renvoyant l'avis

Administration des Postes des Etats-Unis d'Amérique	RECEIVED	
	MAR 03 2005	
RICHARD K. HERRMANN		
Return by the quickest route (air or surface mail), a découvert and postage free.....	The sender completes and indicates the address for the return of this receipt. (A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.)	
Name or Firm (Nom ou raison sociale) Richard K. Herrmann, Esq. Blank Rome LLP		
A renvoyer par la voie la plus rapide (aérienne ou de surface), à découvert et en franchise de port.	1201 Market Street Suite 800 Wilmington, DE 19801	
Street and Number (Rue et no.) City, State, and ZIP + 4 (Localité et code postal)		
UNITED STATES OF AMERICA Etats-Unis d'Amérique		

PS Form 2865, February 1997

Avis de réception

CN07 (Old C5)

# **EXHIBIT D**

Registered No. RB 420 560 190 US

To Be Completed By Post Office	Reg. Fee \$ 7.50	Date Stamp <i>Blank</i>
	Handling \$ Charge	Return Receipt \$ 1.75
	Postage \$ 7.35	Restricted \$ Delivery
Received by <i>Blank</i>		
Customer Must Declare Full Value \$ <i>100</i>		<input type="checkbox"/> With Postal Insurance <input type="checkbox"/> Without Postal Insurance
Domestic Insurance up to \$5,000 is included in the fee. International indemnity is limited. <small>(See Reverse)</small>		
To Be Completed By Customer <small>(Please Print)</small> All Entries Must Be In Ballpoint or Typed		
FROM <i>Richard L. Hermann Blank Zone Up 1201 Market Street, Ste 800 Wilmington, DE 19801</i>		
TO <i>Tatung Company 22, Chungshan N. Rd, 3rd section Taipei Taiwan, 104, R.O.C.</i>		

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer  
 June 2002 (See Information on Reverse)

For delivery information, visit our website at [www.usps.com](http://www.usps.com) ®

**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of March, 2005, I electronically filed the foregoing document, **AFFIDAVIT PURSUANT TO D.DEL. LR 4.1 (b)**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Richard L. Horwitz, Esq.  
David E. Moore, Esq.  
Potter Anderson & Corroon  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801

Jeffrey S. Goddess, Esq.  
Rosenthal Monhait Gross & Goddess, P.A.  
919 Market Street, Suite 1401  
Wilmington, DE 19801

Gerard M. O'Rourke, Esq.  
Connolly Bove Lodge & Hutz LLP  
1007 North Orange Street, P.O. Box 2207  
Wilmington, Delaware 19899-2207

Kevin M. Baird, Esq.  
Young, Conaway, Stargatt & Taylor LLP  
The Brandywine Building  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19801

Additionally, I hereby certify that on the 15<sup>th</sup> day of March, 2005, the foregoing document was served via email on the following non-registered participants:

Teresa M. Corbin, Esq.  
Howrey Simon Arnold & White LLP  
525 Market Street, Suite 3600  
San Francisco, CA 94105  
[corbint@howrey.com](mailto:corbint@howrey.com)

York M. Faulkner, Esq.  
Finnegan Henderson Farabow Garrett &  
Dunner, LLP  
Two Freedom Square  
11955 Freedom Drive  
Reston, VA 20190-5675  
[york.faulkner@finnegan.com](mailto:york.faulkner@finnegan.com)



Richard K. Herrmann (#405)  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
302.888.6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

Attorneys for Plaintiff  
GUARDIAN INDUSTRIES CORP.